

Sec. 2. PREVAILING AMENDMENTS AND CODE EDITOR DIRECTIVE.

1. Any amendments to section 232A.4, section 232.28, subsections 10 and 11, sections 232.28A, 709.10, and 709.17, section 904.108, subsection 6, and chapters 709B, 910A, and 912, Code and Code Supplement, enacted in any Acts of the Seventy-seventh General Assembly, 1998 Session, shall prevail over the repeal of those provisions in 1998 Iowa Acts, House File 2527,\* as the reenactment of those provisions in new Code chapter 915 in that Act is intended to be a continuation of the prior statutes but is not intended to preclude further amendment of those provisions.

2. The Code editor is therefore directed to apply and harmonize any amendments enacted during the 1998 Session of the Seventy-seventh General Assembly to section 232A.4, section 232.28, subsections 10 and 11, sections 232.28A, 709.10, and 709.17, section 904.108, subsection 6, and chapters 709B, 910A, and 912, Code and Code Supplement, to the appropriate corresponding provisions of new Code chapter 915, as enacted in 1998 Iowa Acts, House File 2527.\*

3. If amendments in other 1998 Iowa Acts to any of the repealed sections and chapters or partially stricken sections cannot easily be applied and harmonized to corresponding provisions in new Code chapter 915, the amendments may be included in a Code editor's bill to be submitted to the general assembly which convenes in January 1999.

4. Notwithstanding subsection 1, the repeal of section 232.28A in section 81 of 1998 Iowa Acts, House File 2527,\* is intended to prevail over the amendment of section 232.28A in section 62 of that Act.

Approved April 20, 1998

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## CHAPTER 1129

### SELF-SERVICE DISPLAYS FOR CIGARETTES AND TOBACCO PRODUCTS

*H.F. 2120*

**AN ACT** prohibiting the use of self-service displays in the offering for sale or sale of cigarettes or tobacco products, and providing a penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **LEGISLATIVE INTENT.** It is the intent of the general assembly to restrict access of minors to cigarettes and tobacco products by limiting self-service sales and self-service displays of cigarettes and tobacco products. This Act is necessary because of the widespread problem of access of minors to cigarettes and tobacco products through unsupervised sales and shoplifting. The general assembly recognizes that a large percentage of adult smokers begin smoking before they can legally purchase tobacco products. Cigarette smoking is responsible for hundreds of thousands of deaths each year and thousands of minors start smoking each day. The overall purpose of this Act is to protect the health and welfare of the citizens of this state.

Sec. 2. Section 453A.1, Code 1997, is amended by adding the following new subsections:

**NEW SUBSECTION.** 1A. "Carton" means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.

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\* Chapter 1090 herein

NEW SUBSECTION. 15A. "Package" or "pack" means a container of any kind in which cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.

NEW SUBSECTION. 20A. "Self-service display" means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.

Sec. 3. NEW SECTION. 453A.36A SELF-SERVICE SALES PROHIBITED.

1. Beginning January 1, 1999, except as provided in section 453A.36, subsection 6, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

2. Violation of this section by a holder of a retail permit is grounds for revocation of such permit.

Approved April 20, 1998

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## CHAPTER 1130

### SCHOOL INFRASTRUCTURE FUNDING

H.F. 2282

AN ACT authorizing the imposition of a local option sales and services tax and use of certain federal funds for school infrastructure projects and the issuance of bonds, and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. 422E.1 AUTHORIZATION — RATE OF TAX — USE OF REVENUES.

1. A local sales and services tax for school infrastructure purposes may be imposed by a county on behalf of school districts as provided in this chapter.

2. The maximum rate of tax shall be one percent. The tax shall be imposed without regard to any other local sales and services tax authorized in chapter 422B, and is repealed at the expiration of a period of ten years of imposition or a shorter period as provided in the ballot proposition.

3. Local sales and services tax moneys received by a county for school infrastructure purposes pursuant to this chapter shall be utilized solely for school infrastructure needs. For purposes of this chapter, "school infrastructure" means those activities for which a school district is authorized to contract indebtedness and issue general obligation bonds under section 296.1, except those activities related to a teacher's or superintendent's home or homes. These activities include the construction, reconstruction, repair, purchasing, or remodeling of schoolhouses, stadiums, gyms, fieldhouses, and bus garages and the procurement of schoolhouse construction sites and the making of site improvements. Additionally, "school infrastructure" includes the payment or retirement of outstanding bonds previously issued for school infrastructure purposes as defined in this subsection, and the payment or retirement of bonds issued under section 422E.4.

Sec. 2. NEW SECTION. 422E.2 IMPOSITION BY COUNTY.

1. A local sales and services tax shall be imposed by a county only after an election at which a majority of those voting on the question favors imposition. A local sales and